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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	NO. 21-MJ-70416-MAG
	)	
Plaintiff,	)	STIPULATION TO CONTINUE STATUS
	)	HEARING AND EXCLUDE TIME FROM
v.	)	OCTOBER 29, 2021 TO DECEMBER 2, 2021 AND
	)	<del>[PROPOSED]</del> ORDER
NELSON ENRIKE RAMIREZ,	)	
	)	
Defendant.	)	
	)	

It is hereby stipulated by and between counsel for the United States and counsel for the defendant Nelson Enrike Ramirez, that the status hearing scheduled for October 29, 2021 be vacated and rescheduled for December 2, 2021. The parties further stipulate that time be excluded under the Speedy Trial Act from October 29, 2021 through December 2, 2021 and, with the consent of the defendant, there is good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1.

The government has produced most of the discovery in the case, which is voluminous and counsel for the defendant needs additional time to review with the defendant. The parties are also discussing a potential resolution to the case. For these reasons the parties request that the status hearing be continued until December 2, 2021, and the government and counsel for the defendant agree that time

1 be excluded under the Speedy Trial Act, and the deadlines under Federal Rule of Criminal Procedure 5.1  
 2 be extended, so that defense counsel could continue to prepare, including by reviewing the discovery  
 3 already produced. For this reason the parties stipulate and agree that excluding time until December 2,  
 4 2021 will allow for the effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties  
 5 further stipulate and agree that the ends of justice served by excluding the time from October 29, 2021  
 6 through December 2, 2021 from computation under the Speedy Trial Act outweigh the best interests of  
 7 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

8 The parties further stipulate that, with the consent of the defendant, there is good cause for  
 9 extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for  
 10 extending the 30-day time period for an indictment under the Speedy Trial Act. *See* Fed. R. Crim. P.  
 11 5.1; 18 U.S.C. § 3161(b).

12 The undersigned Assistant United States Attorney certifies that he has obtained approval from  
 13 counsel for the defendant to file this stipulation and proposed order.

14  
 15 IT IS SO STIPULATED.

16 DATED: October 27, 2021

\_\_\_\_\_  
 /s/  
 NOAH STERN  
 Assistant United States Attorney

18 DATED: October 27, 2021

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 /s/  
 JOHN PAUL REICHMUTH  
 Counsel for Defendant NELSON ENRIKE  
 RAMIREZ

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**[PROPOSED] ORDER**

Based upon the facts set forth in the stipulation of the parties and for good cause shown, the Court vacates the status conference scheduled for October 29, 2021 at 1:00 p.m. and reschedules it for December 2, 2021 at 1:00 p.m. The Court further finds that failing to exclude the time from October 29, 2021 through December 2, 2021 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from October 29, 2021 through December 2, 2021 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. For the same reasons, the Court finds good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act. *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from October 29, 2021 through December 2, 2021 shall be excluded from computation under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1. 18 U.S.C. § 3161(h)(7)(A), (B)(iv); Fed. R. Crim. P. 5.1(d).

IT IS SO ORDERED.

DATED: October 28, 2021

  
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HON. ROBERT M. ILLMAN  
United States Magistrate Judge